

In re Applicant:

Serial No.: 10/517.768

Filed: December 27, 2004

For: METHOD AND APPARATUS FOR POSITIONING  
A SURGICAL INSTRUMENT

Group Art Unit: 3739

Attorney  
Docket: 29097

Examiner: VRETTAKOS, PETER J

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a PTO Form 1449 which lists citations which may be material to the patentability and examination of the above identified application. Also enclosed are copies of the references cited. These are submitted in compliance with the duty of disclosure defined in 37 CFR 1.56. The Examiner is requested to make these citations of official record in this application.

The undersigned states:

- ☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement.

- ☒ Please charge the fee of \$180 set forth in 37 CFR 1.17 (p) to Deposit Account 501407.

This Information Disclosure Statement submitted pursuant to 37 CFR 1.56 is not to be construed as a representation that a search has been made, that additional matter which is material to the examination of this application does not exist, or that the information disclosed constitutes prior art or is otherwise material to patentability.

Respectfully submitted,

/ Martin D. Moynihan/

Martin D. Moynihan  
Registration No. 40,338

Dated: December 2, 2008